

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

5      -    -    -    -    -    -    -    -    -    -    -    -    -    -    X

6 IN THE MATTER OF: :

7 2608 Connecticut Avenue, LLC, :

8 t/a Italian Pizza Kitchen : Fact Finding

9 2608 Connecticut Ave., NW : Hearing

10 License #ABRA-85456 :

11 Retailer Class CR :

12 ANC-3C Case #15-CC-00510 :

13 Substantial Change without :

14 Board's Approval (Increase :

15 in Occupancy), No ABC Manager:

16 on Duty, Transfer of :

17 Ownership without Board's :

18 Approval :

19 - - - - -X

20 Wednesday, March 23, 2016

21

22 Whereupon, the above-referenced matter

OLENDER REPORTING, INC.  
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1    came on for hearing at the Alcoholic Beverage  
2    Control Board, Reeves Center, 2000 14th Street,  
3    N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 CRISSY GEPHARDT,

13 On behalf of the District of Columbia

14 KEMAL KURTULUS,

15 On behalf of Italian Pizza Kitchen

16 HAKAN USTAOGU,

17 On behalf of Italian Pizza Kitchen

18 MARTHA JENKINS, ESQ.

19 On behalf of ABRA

20 DANETTE WALKER,

21 On behalf of ABRA

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1       APRIL RANDALL,  
2           On behalf of ABRA

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1 P R O C E E D I N G S

2

3 CHAIRMAN DONOVAN ANDERSON: All right. I  
4 thought that was easy, but I guess it's not as  
5 easy as I thought it was, so. But let me -- let  
6 me -- let me -- let me try to move to another  
7 case that I think -- uh, that -- that -- that I  
8 think is easy.

9 All right. I'll now call Case #15-CC-  
10 00510, Italian Pizza Kitchen, License #85456.  
11 Will the parties please approach?

12 MR. KEMAL KURTULUS: Kemal Kurtulus,  
13 authorized representative.

14 MS. CHRISSY GEPHARDT: Hi. Yeah. Uh,  
15 Chrissy Gephardt, here on behalf of the Office of  
16 the Attorney General.

17 CHAIRMAN DONOVAN ANDERSON: Good morning.

18 MS. CHRISSY GEPHARDT: Good morning.

19 CHAIRMAN DONOVAN ANDERSON: You said Mr.

20 --

21 MR. KEMAL KURTULUS: Kurtulus.

22 CHAIRMAN DONOVAN ANDERSON: Kurtulus.

1   What -- what do you -- explain to me when you  
2   said you're a authorized representative. What  
3   does that mean?

4               MR. KEMAL KURTULUS:  I'm here on behalf  
5   of the owner, who's in the back, over there.

6               CHAIRMAN DONOVAN ANDERSON:  He's here?

7               MR. KEMAL KURTULUS:  Yes. He just -- he  
8   has difficulty speaking English.

9               CHAIRMAN DONOVAN ANDERSON:  Well, he  
10  should come up.

11              MR. KEMAL KURTULUS:  Okay.

12              CHAIRMAN DONOVAN ANDERSON:  If he's here,  
13  let me -- let him see.

14              MR. KEMAL KURTULUS:  We thank the  
15  hospitality.

16              CHAIRMAN DONOVAN ANDERSON:  All right.  
17  All right.

18              MR. HAKAN USTAOGU:  Hello.

19              CHAIRMAN DONOVAN ANDERSON:  Good morning,  
20  sir. And what's, um, your name for the record?

21              MR. HAKAN USTAOGU:  Hakan Ustaoglu.

22              CHAIRMAN DONOVAN ANDERSON:  All right.

1 And Mr. --

2 MR. KEMAL KURTULUS: Kurtulus.

3 CHAIRMAN DONOVAN ANDERSON: -- Kurtulus  
4 is your authorized representative?

5 MR. HAKAN USTAOGU: Yes.

6 CHAIRMAN DONOVAN ANDERSON: So,  
7 therefore, you authorize him to speak for -- on  
8 your behalf?

9 MR. HAKAN USTAOGU: Yes.

10 CHAIRMAN DONOVAN ANDERSON: Okay. All  
11 right. It's my understanding that there -- Are  
12 there any preliminary matters in this case?

13 MS. CHRISSY GEPHARDT: Uh, yes, there is  
14 a preliminary matter in this case. Um, the  
15 parties have agreed to an offer in compromise to  
16 include the following: Um, for Charge 1 in this  
17 case, uh, it would be a \$1,250 fine, uh, for  
18 Charge 2 would be a \$1,000 fine. Charge 3 would  
19 be a \$1,000 fine, for a total, uh -- for a total  
20 of \$3,250. Uh, the fine would have to be paid  
21 within 30 days or else the license will be  
22 suspended, um, until -- until paid.

1           CHAIRMAN DONOVAN ANDERSON: All right.  
2   It's my understanding that there is an offer in  
3   compromise, and the offer in compromise is that  
4   there's a total fine of \$3,250: um, \$1,250 for  
5   the first charge, \$1,000 for the second charge,  
6   \$1,000 for the third charge, and that this fine  
7   will be paid in 30 days. Is this your -- is this  
8   your agreement with the Government?

9           MR. HAKAN USTAOGU: Yes.

10          CHAIRMAN DONOVAN ANDERSON: All right. I  
11   make a motion that this offer in compromise of  
12   \$3,250 -- a fine of \$3,250 be accepted. If the  
13   fine is not payable in 30 days, the -- the  
14   license will be suspended until the fine is paid.  
15   Is there a second?

16          MR. JAMES SHORT: Second.

17          CHAIRMAN DONOVAN ANDERSON: Mr. Short has  
18   seconded the motion. Are there any discussion?

19          MR. NICK ALBERTI: Um, I have a quick  
20   question.

21          CHAIRMAN DONOVAN ANDERSON: Yes, Mr.  
22   Alberti.



1                   MR. NICK ALBERTI:  Mr. -- Mr. Kurtulus, I  
2   -- I --

3                   MR. KEMAL KURTULUS:  Yes, sir.

4                   MR. NICK ALBERTI:  -- understand this --  
5   this -- this involves a transfer of the license.  
6   Has, um -- has the owner submitted all the  
7   appropriate documents to complete that transfer?  
8   Or what's outstanding?

9                   MR. KEMAL KURTULUS:  In -- in short, yes,  
10   he does have the transfer under his name now,  
11   with much difficulty. There are a lot of  
12   footnotes to that statement; however --

13                  MR. NICK ALBERTI:  Right. I realize that  
14   there's --

15                  MR. KEMAL KURTULUS:  Yeah.

16                  MR. NICK ALBERTI:  -- a lot of background  
17   there, but --

18                  MR. KEMAL KURTULUS:  Um, but to answer  
19   your question, yes, currently he's listed as, um  
20   --

21                  MR. NICK ALBERTI:  So you've submitted  
22   all the required documents at this point, or is

1    there anything outstanding?

2               MR. KEMAL KURTULUS:   Um --

3               MR. NICK ALBERTI:   And I can check our  
4   records, but -- but it would take some time.

5               MR. KEMAL KURTULUS:   I mean, as far as  
6   the transfer is concerned, yes.

7               MR. NICK ALBERTI:   You seem to be  
8   hesitating. I mean, you seem -- you seem to be  
9   qualifying that, and I'm trying to figure out why  
10   you're qualifying that statement.

11              MR. KEMAL KURTULUS:   I -- I --

12              MR. NICK ALBERTI:   You say, "in terms of  
13   the -- in terms of the transfer" -- what's that  
14   mean? I mean, is --

15              MR. KEMAL KURTULUS:   -- (inaudible) --

16              MR. NICK ALBERTI:   I -- I'm asking --  
17   Yeah. With respect to the transfer, have all  
18   documents been submitted? Ms. Gephardt seems to  
19   be shaking her head.

20              MS. CHRISSY GEPHARDT:   Uh, yes. This is -  
21   - uh, what we have in the file, um, is the --

22                       (Off-mic speaking)

1 MS. CHRISSY GEPHARDT: -- the bill of  
2 sale, um, for the -- for the Italian Pizza  
3 Kitchen, uh, and there is also the alcoholic  
4 beverage license application for the change of  
5 officers, um, and, um, also in the file is  
6 documentation from, uh, DCRA of -- excuse me -- a  
7 transfer -- let me find it.

8 MR. NICK ALBERTI: Do we have clean hands  
9 in all of that?

10 MS. CHRISSY GEPHARDT: Clean hands --  
11 yeah, right. It's -- it's all there. I -- I'm  
12 trying to --

13 MR. NICK ALBERTI: Okay. Okay.

14 MS. CHRISSY GEPHARDT: -- pull it out.  
15 I'm sorry.

16 MR. NICK ALBERTI: I just wanted to get a  
17 -- an idea if there was anything major  
18 outstanding --

19 MR. KEMAL KURTULUS: Yeah. I mean --

20 MR. NICK ALBERTI: -- on this --

21 MR. KEMAL KURTULUS: -- the only other  
22 thing --

1           MR. NICK ALBERTI:  -- while you were  
2 here. Just trying to --

3           MR. KEMAL KURTULUS:  -- I could possibly  
4 think of was his -- This all came about because  
5 of his immigration status. Um, that's why there  
6 was, like, a whole --

7           MR. NICK ALBERTI:  Okay. Yeah.

8           MR. KEMAL KURTULUS:  I -- I don't want to  
9 go into the details of what --

10          MR. NICK ALBERTI:  I -- I -- and I don't  
11 want you to. I don't want you to.

12          MR. KEMAL KURTULUS:  Okay.

13          MR. NICK ALBERTI:  But it appears that  
14 this --

15          MR. KEMAL KURTULUS:  It's -- it's -- it's  
16 --

17          MR. NICK ALBERTI:  It appears to be whole  
18 so far --

19          MR. KEMAL KURTULUS:  -- a lot of  
20 footnotes --

21          MR. NICK ALBERTI:  -- as far as I can  
22 tell.

1 MR. KEMAL KURTULUS: -- but, uh, 3,250 is

2 --

3 MR. NICK ALBERTI: I appreciate that.

4 Thank you so much.

5 MR. KEMAL KURTULUS: Yeah.

6 CHAIRMAN DONOVAN ANDERSON: All right.

7 Any other questions?

8 (No audible response)

9 CHAIRMAN DONOVAN ANDERSON: Um, those in  
10 favor of accepting this offer in compromise --  
11 those in favor say aye.

12 (Chorus of ayes)

13 CHAIRMAN DONOVAN ANDERSON: Those  
14 opposed?

15 (No audible response)

16 CHAIRMAN DONOVAN ANDERSON: The matter  
17 passed, 5-0-0. Thank you, Ms., um, Randall -- I'm  
18 sorry. No, Ms. Walker will provide you some  
19 documents to sign.

20 MR. KEMAL KURTULUS: Sign?

21 CHAIRMAN DONOVAN ANDERSON: Thank you  
22 very much.

1                   MR. KEMAL KURTULUS:   Okay. Great.

2                   (Whereupon, the above-entitled matter was

3   concluded.)